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O.A. No.410 of 2025 and A. No.4721 of 2025

in

C.S. No.83 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O. A. No.410 of 2025 and A. No.4721 of 2025

in

C.S. No.83 of 2025

O.A. No.410 of 2025

S. Xavier Britto S/o. Samikannu

...

Applicant / Plaintiff in

O.A. No.410 of 2025 and

Respondent in A. No.4721 of 2025

vs

Resident Grievance Officer for Youtube

Google LLC – India Liaison Office,

Unit No.26, The Executive Center,

Level 8, DLF Centre, Sansad Marg,

Connaught Place, New Delhi – 110 001.

...

Respondent /2nd defendant

in O.A. No.410 of 2025

and Applicant in A. No.4721 of 2025

PRAYER in O.A. No.410 of 2025: This Original Application has been filed

under Order XIV, Rule 8 of the Original Side Rules read with Order XXXIX



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Rule 1 and 2 of Civil Procedure Code praying to grant an order of ad-interim injunction restraining the 1st respondent / 2nd defendant from publishing any further defamatory videos from its Youtube channel against the applicant / Plaintiff published by the 1st defendant or anyone or his social media accounts all other videos published, pending disposal of the above Suit.

PRAYER in A. No.4721 of 2025: This application has been filed under Order XIV Rule 8 of Original side Rules read with Order XXXIX Rule 4 of Civil Procedure Code praying to vacate the interim injunction order dated 03.07.2025 passed by this Court in O.A. No.410 of 2025 in C.S. No.83 of 2025 as against the applicant..

For applicant in O.A.No.410 of 2025
& Respondent in A. No.4721 of 2025 : Mr. M. Shreedhar

For Respondent in O.A. No.410 of 2025
and Applicant in A. No.4721 of 2025 : notice served –
no appearance.

COMMON ORDER



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The Original Application in O.A. No.410 of 2025 has been filed to grant ad-interim injunction restraining the 1st respondent / 2nd defendant from publishing any further defamatory videos from its Youtube channel against the applicant / Plaintiff published by the 1st defendant or anyone or his social media accounts all other videos published, pending disposal of the above Suit.

2. According to the applicant, he is the Chairman of M/s. Kerry Index Logistics Pvt Ltd. and carries activities Customs House Agent, Freight Forwarding, Transportation, CFS / ICD/ AFS, warehousing, parcel services, FTWZ and supply chain management etc., More than 3.5 decades of experience in the Logistics field, the applicant has found that there is lacunae in skilled Staff in Logistics and with a vision to upskill talent in the Shipping and Logistics Field, as reiterated in the National Education Policy 2021, St. Britto's College, a pioneering Institute of Career Oriented & Logistics Studies was started in the year 2012. The Loyola Institute of Business Administration



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and Kerry Indev Logistics Pvt Ltd., under his eminent leadership, had signed

a Memorandum of Understanding to collaborate, promote and enhance academic interests and skill development and impart training in industry knowledge as part of initiatives towards human resources development in the area of Logistics and Supply Chain Management. The respondent, Mr. Maridhas, is a social media influencer, who publishes content on Youtube under the handle “Maridhas answers”. His platform is known for controversial commentary on public figures, often addressing religious, political and social disputes.

2.1. It was brought to the applicant’s knowledge on 30.10.2024 and 03.11.2024, that the respondent released two videos on his Youtube channel which is going viral as titled “Maridhas Answers” in <https://www.youtube.com/@MaridhasAnswers/videos> and the applicant received several calls and messages from his Staff, family members, business colleagues and well wishers across the country and the links of those Youtube



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videos are <https://www.youtube.com/watch?v=u1TMXiqr07A> and

<https://www.youtube.com/watch?v=BhyK21T4H08>. The respondent had used the applicant's pictures and his company's registered Logo without his permission. In fact, the applicant was marked and shown as "A1" in one of those video's thumbnails and it is also absorbed by many youtubers following the respondent's content and referred the applicant as A1 influenced by above videos of the 1st respondent. The entire contents of the said two Youtube videos are malicious and defamatory.

2.2. The applicant is an alumnus of Loyola College, Chennai also related through his wife to one Mr. C. Joseph Vijay [Actor Vijay], who is one of the leading film actors in India and leader of 'Tamilaga Vettri Kazhagam. The applicant had started Actor Vijay at his early entry into films in 1990s due to his love and affection towards him as a relative. Later after several years, actor Vijay acted as an hero in the movie titled "Master" in the year 2019-

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2020, where the applicant is the co-producer and the film was released in January 2021, that was the last business relationship between the applicant and the actor Vijay. Apart from that, he had neither involved in any of the Actor Vijay's political activities nor had funded in the Actor Vijay's political entry.

2.3. In the above said two Youtube videos, the respondent has published against the applicant and he had picturized the applicant as a benami of Actor Vijay and the same is totally untrue and also the respondent had alleged that the applicant had entered into a business relationship with M/s. Kerry Logistics Network in 2016 and the same is also totally false. Further the respondent claimed that the applicant had entered into a business relationship with M/s. Kerry Logistics Network, a global logistics company. The respondent had passed many sarcastic comments on the applicant that he is the member of a syndicate comprising of Actor Vijay, his brother Rev. Fr.

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Xavier Alphonse, father Mr. S.A. Chandrasekar and other reputed religious institutions alleging conspiracy, without any basis to take forward a “Christian Political Agenda” in a public forum and damaged his reputation. The speech of the respondent in the above said two videos had created a religious division across a peaceful state and given a communal colour to the applicant and his family members, which is not true. Further the respondent had alleged that the applicant has involved in the crime of ‘money laundering’ through his business to support Actor Vijay’s political activities and also alleged that through the film “Master”, he had converted black money to white money through bogus accounts. In fact, all the financial transactions are fully accounted to the Income Tax Department, Government of India.

2.4. The above said two Youtube publications videos are totally malicious, outright lies devoid of any facts, twisted publicly available information to suit their divisive agenda on the whole, the videos are

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defamatory in nature and caused irreparable damage to the applicant's public

life and his reputation. Therefore, he filed the Suit for claiming damages and this application has been filed for grant of ad interim injunction.

3. According to the respondent, the respondent / 2nd defendant is only an '*intermediary*'. The role of an '*intermediary*' with that of a publisher or uploader is not liable for the videos uploaded by the uploaders. The YouTube is an online video streaming platform provided and owned by the 2nd defendant, Google LLC on which, the users can freely upload and share videos / audio-visual content with other users. These videos constitute "*third party content*" that area (i) neither created (ii) nor owned, or (iii) otherwise modified by the 2nd defendant. YouTube is merely a platform where these videos can be uploaded and accessed on the Internet on an "as is" basis. The Terms of Service, Privacy Policy and the Community Guidelines are contractually binding upon every user and makes it evident that being an '*intermediary*', the 2nd defendant notifies all its users of the fact that it is



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neither involved in the creation, modification or facilitation of any content, defamatory or otherwise. Under YouTube's Terms of Service, every user / uploader categorically warrants and represents that he / she owns all rights and has all necessary permissions in the content he / she uploads.

3.1. Each and every aspect of a video, including content of the video, heading / descriptions of the video, keywords and tags relevant to the video as well as the details of content that may be embodied within the video are all provided by its uploader and not by the 2nd defendant. The 2nd defendant neither owns, controls nor is specifically aware whether the video uploaded by a user is infringing, unlawful or not. It is the uploader alone that has specific knowledge of the content of the video he or she uploads and the 2nd defendant is a mere '*intermediary*' in the whole process. The 2nd defendant is neither involved with nor has created or endorsed the impugned material anywhere on YouTube in accordance with the Rule 3(1)(c) of the IT Rules,

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2021. To this end, YouTube provides for a robust, easy-to-use complaint mechanism on its website whereby any user having an account with YouTube can report a video for a violation of any of his / her rights and such content is accordingly reviewed and in appropriate cases, immediately taken down. For defamation related complaints and other arising out of free speech, as alleged in the present case, the Indian Legal framework mandates that a Court order be passed adjudicating the content to be defamatory / unlawful within the specific provisions of law, where a Plaintiff's rights have been held to be violated. 'Intermediaries' are governed by IT Act.

3.2. As per Section 79(3)(b) of the IT Act, an '*intermediary*' is mandated to observe the due diligence as stipulated under Rule 3 of the Intermediary Guidelines. As per Rule 3(1)(d) of the Intermediary Guidelines, an '*intermediary*' shall not, *inter alia*, host any information that is defamatory upon receipt of actual knowledge in the form of Court order or on being notified by the appropriate Government or its agency under Clause 79(3)(b)



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of the IT Act. The 'intermediaries' are not liable for third party content made available or hosted on their platform. The 'intermediaries' cannot be expected to perform an adjudicatory function and cannot be expected to judge as to which of the removal requests received by it are legitimate and which are not.

3.3. Moreover, the prayer sought for in this application is to grant an order of interim injunction restraining the respondent / 2nd defendant from publishing any further defamatory videos from his YouTube channel against the applicant / Plaintiff. The respondent, being an '*intermediary*', is not liable for third party content made available and posted on that platform. The respondent, as an '*intermediary*' will only be able to block access to contents that are specifically identified through URLs on receipt of actual knowledge through a Court Order and it cannot be called upon to be the arbiter of contents to verify its nature or remove the same, which are the exclusive powers of the Courts and it cannot be called upon to engage in proactive



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monitoring of contents on its platform.

3.4. This Court has granted interim injunction in O.A. No.410 of 2025, but the mandatory requirement under Order XXXIX Rule 3A of Civil Procedure Code has not been duly complied with and therefore, interim injunction ought to be vacated. Notice was served on 04.06.2025 for the hearing on 05.06.2025 and the interim order was passed on 03.07.2025. But on tracking of postal consignment, the respondent in A. No.4271 of 2025 learnt that the letter had been dispatched only on 12.07.2025 i.e., after about 9 days from the date of interim order and therefore, the conditions of Order XXXIX Rule 3A have not been complied with. No copies of affidavit and other documents have been enclosed along with notice. The relief sought for in the main Suit itself is unsustainable in law. Therefore, the interim order granted is to be vacated and the application is liable to be dismissed.



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4. This Court heard the both sides and perused the entire materials.

5. The applicant, being the Plaintiff, filed a Suit for the relieves of a) permanent injunction restraining the 1st defendant or his channel or his men, or assistance or anyone claiming under him from 1st defendant or through him from making or publishing any further defamatory content about the Plaintiff on YouTube or any other social media platforms, including but not limited to X (formerly Twitter), Instagram and Facebook; b) for a mandatory injunction directing the 2nd defendant to immediately remove all the defamatory videos from his YouTube channel against the Plaintiff published by the 1st defendant or anyone or from his social media accounts; c) to pay a sum of Rs.2,00,00,000/- as liquidated damages for the loss of his name, fame, popularity and for his business and d) for the cost of the Suit.

6. The applicant has filed an application to grant interim injunction



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restraining the respondent / 2nd defendant from publishing any further

defamatory videos from its Youtube channel against the applicant / Plaintiff

and this Court also granted an interim injunction and thereafter, the

respondent filed an application to vacate the injunction. According to the

applicant, the 1st defendant Maridhas Malaichamy uploaded defamatory

videos and already filed another application as against the 1st defendant in

O.A. No.409 of 2025, where this Court has disposed of the said application by

imposing certain conditions. This application has also been filed for the relief

in respect of publishing of further defamatory videos. Since this Court passed

an order in the application in O.A. No.409 of 2025 by imposing some

conditions to the 1st defendant, in respect of publishing any further statements,

no further orders are required to be passed as against the 2nd defendant.

7. This Court in the application in O.A. No.409 of 2025 passed order by imposing the following conditions:

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(a) The respondent shall not publish any statements on any social media or public platforms regarding the activities of the applicant without causing a notice on the applicant of the queries or gist of the articles to the email I.D. of the applicant, for a response from the applicant. If any response is received within 72 hours, then the respondent may make a statement and in doing so, he shall also publish the response received by him with prominence. If no such response is received within the aforesaid period, they shall proceed to publish the article.

(b) If such statements are based upon public records including the Court records, then the respondent is at liberty to make a fair comment/criticism only on the materials available in the public domain.

8. In view of the same, there is no further orders required to pass in



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this application and this application is liable to be dismissed.

9. Accordingly, the Original Application in **O.A. No.410 of 2025 is dismissed.** Since the main application in O.A. No.410 of 2025 itself is dismissed, the application in **A. No.4721 of 2025**, which has been filed for vacating the interim injunction granted in O.A. No.410 of 2025, **is closed.**

14.10.2025

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